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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
5 **SAN JOSE DIVISION**
6

7 FINJAN, INC.,

8 Plaintiff,

9 v.

10 BLUE COAT SYSTEMS, LLC,

11 Defendant.

Case No. 15-cv-03295-BLF

**ORDER GRANTING BLUE COAT
SYSTEMS, LLC'S ADMINISTRATIVE
MOTION TO FILE UNDER SEAL**

[Re: ECF 282]

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13 Before the Court is Defendant Blue Coat Systems LLC's ("Blue Coat") administrative
14 motion to file under seal portions of the Court's Order Regarding Summary Judgment (ECF 276)
15 and Order Granting in Part and Denying in Part Blue Coat Systems, LLC's Motion to Strike
16 Expert Reports (ECF 277). ECF 282. For the reasons set forth below, Blue Coat's motion is
17 GRANTED.

18 **I. LEGAL STANDARD**

19 "Historically, courts have recognized a 'general right to inspect and copy public records
20 and documents, including judicial records and documents.'" *Kamakana v. City & Cnty. of*
21 *Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435
22 U.S. 589, 597 & n.7 (1978)). Consequently, access to motions and their attachments that are
23 "more than tangentially related to the merits of a case" may be sealed only upon a showing of
24 "compelling reasons" for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092,
25 1101-02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed
26 upon a lesser showing of "good cause." *Id.* at 1097. In addition, sealing motions filed in this
27 district must be "narrowly tailored to seek sealing only of sealable material." Civil L.R. 79-5(b).
28 A party moving to seal a document in whole or in part must file a declaration establishing that the


1 identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A). “Reference to a stipulation or
2 protective order that allows a party to designate certain documents as confidential is not sufficient
3 to establish that a document, or portions thereof, are sealable.” *Id.*

4 **II. DISCUSSION**

5 The Court has reviewed Blue Coat’s sealing motion and the declaration submitted in
6 support thereof. According to Blue Coat, the portions of the Court’s orders for which sealing is
7 requested contain information relating to details of the internal operation of Blue Coat’s products,
8 including backend systems related to those products, as well as Blue Coat’s confidential business
9 operations. Declaration of Robin L. Brewer in Support of Administrative Motion to File Under
10 Seal, ECF 282-1 ¶¶ 5-14. The Court finds that Blue Coat has articulated compelling reasons and
11 good cause for sealing. The proposed redactions are also narrowly tailored. Accordingly, the
12 Court GRANTS Blue Coat’s motion to seal.

13 **IT IS SO ORDERED.**

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15 Dated: August 4, 2017

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17 BETH LABSON FREEMAN
18 United States District Judge
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